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Legal Representatives for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHELLE S. MICHAEL
5540 Janine Way
Corning CA 96021

Respiratory Care Practitioner License No. 20231

Respondent

RCB Case No. R-2114

**STIPULATED SETTLEMENT FOR
PUBLIC REPRIMAND AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Respiratory Care Board, Department of Consumer Affairs, State of California ("Board"), the parties hereby agree to the following Stipulated Settlement For Public Reprimand and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the First Amended Accusation in Case No. R-2114.

PARTIES

1. At the time of the filing of the Accusation in Case No. R-2114, complainant Stephanie Nunez was the Executive Officer of the Board and brought this action solely in her official capacity. Complainant is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, Supervising Deputy Attorney General Jose R. Guerrero, and by Catherine Santillan, Senior Legal Analyst.

2. Respondent Michelle S. Michael, (“respondent”) is aware of her right to be represented by an attorney in this matter, but has elected to represent herself.

JURISDICTION

3. On August 14, 1998, the Respiratory Care Board issued respiratory care practitioner license no. 20231 to respondent. Said license was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. R-2114 and will expire on February 29, 2008.

4. First Amended Accusation No. R-2114 (“Accusation”) was filed before the Board and is currently pending against respondent. The Accusation, together with all other statutorily required documents, was duly served on the respondent in accordance with the California Administrative Procedure Act and respondent has filed a Notice of Defense. A copy of said First Amended Accusation is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and fully understands the nature of the charges alleged in the Accusation and the effects of this Stipulated Settlement For Public Reprimand and Disciplinary Order (“Stipulation”).

6. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon her Respiratory Care Practitioner License. Respondent is fully aware of her legal rights and that, but for this Stipulation, she would be entitled: 1) to a hearing on the charges and allegations in the Accusation; 2) to be represented by counsel, at her own expense, in all proceedings in this matter; 3) to confront and cross-examine the witnesses against her; 4) to present evidence on her own behalf and to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; 5) to reconsideration and appeal of an adverse decision; and 6) all other rights accorded pursuant to the California Administrative Procedure Act and other applicable laws.

7. With these rights in mind, respondent freely, voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 ADMISSIONS

2 8. Respondent admits the charges and allegations in Accusation No. R-2114
3 constitute cause for imposing discipline upon her Respiratory Care Practitioner License.

4 9. For the purpose of resolving the Accusation without the expense and
5 uncertainty of further proceedings, Respondent gives up her right to contest those charges.

6 10. Respondent agrees that her Respiratory Care Practitioner License is
7 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
8 forth in the Order below.

9 CONTINGENCY

10 11. This Stipulation shall be subject to the approval of the Board. Respondent
11 understands and agrees that Board staff and counsel for complainant may communicate directly
12 with the Board regarding this Stipulation, without notice to or participation by respondent or her
13 representative. If the Board fails to adopt this Stipulation as its Disciplinary Order, the
14 Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the
15 parties, and the Board shall not be disqualified from further action in this matter by virtue of its
16 consideration of this Stipulation.

17 12. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board shall, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Michelle S. Michael, Respiratory Care
22 Practitioner License No. 20231, is hereby publicly reprimanded by the Respiratory Care Board.
23 This Stipulated Settlement For Public Reprimand and Disciplinary Order shall constitute the
24 formal public reprimand; in addition, as part of this Stipulation, respondent agrees as follows:

- 25 A. No further violation of the law will occur; and
26 B. Respondent is hereby ordered to reimburse the Board the amount
27 of \$1,800.50 for its investigative and prosecution costs. The amount shall be paid in full within
28 twelve (12) months of the effective date of this Disciplinary Order, unless the Board agrees in

1 writing to payment by a different installment plan because of financial hardship. The filing of
2 bankruptcy by the respondent shall not relieve the respondent of the responsibility to reimburse
3 the Board for its investigative and prosecution costs.

4 C. Failure to timely reimburse the Board for its investigative and
5 prosecution costs in the amount set forth above shall constitute unprofessional conduct pursuant
6 to Business and Professions Code section 3755 for purposes of further disciplinary proceedings.
7 In addition, the Board may withhold renewal of respondent's Respiratory Care Practitioner
8 License.

9 ACCEPTANCE

10 I have read the above Stipulated Settlement For Public Reprimand and
11 Disciplinary Order. I fully understand the terms and conditions and other matters contained
12 therein. I understand the effect this Stipulation will have on my Respiratory Care Practitioner
13 License, and agree to be bound thereby. I enter this Stipulation freely, voluntarily, knowingly,
14 intelligently and voluntarily.

15 DATED: December 28, 2007.

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17 Original signed by: _____
18 Michelle S. Michael
19 Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement For Public Reprimand and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board, Department of Consumer Affairs, State of California.

DATED: January 2, 2008.

EDMUND G. BROWN JR., Attorney General
of the State of California

Original signed by: _____
CATHERINE E. SANTILLAN
Senior Legal Analyst

Legal Representative for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RCB Case No. R-2114

MICHELLE S. MICHAEL
5540 Janine Way
Corning CA 96021

Respiratory Care Practitioner License No. 20231

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement For Public Reprimand and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, State of California, as its Decision in the above entitled matter.

This Decision shall be effective on February 4, 2008.

It is so ORDERED January 24, 2008.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA